

CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION NO. 2014-\_\_

**ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE FAIR WAY  
EXTENSION PATH PROJECT**

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1           **WHEREAS**, the Calistoga Active Transportation Plan calls for the Class I path  
2 that currently extends westerly from Dunaweal Lane and terminates at the Little League  
3 fields to be extended to the intersection of Lincoln Avenue and Fair Way Extension;

4           **WHEREAS**, on June 17, 2014, the City Council selected a preferred alignment  
5 for the path extension and directed staff to proceed with the environmental analysis for  
6 the project; and

7           **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA),  
8 an Initial Study/Mitigated Negative Declaration was prepared that identified potentially-  
9 significant impacts to the environment in the areas of air quality, biological resources,  
10 hydrology/water quality, noise, transportation/traffic and utilities; and

11           **WHEREAS**, the City has agreed to amend the proposed project to incorporate  
12 mitigation measures that would reduce the potential impacts to a less than significant  
13 level; and

14           **WHEREAS**, the Planning Commission reviewed the Initial Study/Mitigated  
15 Negative Declaration during a public hearing on November 26, 2014, and during its  
16 review, considered the public record, including the staff report, findings, and written  
17 materials and public testimony; and

18           **WHEREAS**, that on the basis of the Initial Study prepared for the project the  
19 Planning Commission has determined that with the incorporation of mitigation measures  
20 the Fair Way Extension Path Project will not have a significant effect on the environment  
21 and, therefore, a Mitigated Negative Declaration should be adopted based on the  
22 finding that the project will not have a significant adverse impact on the environment.

23           **NOW, THEREFORE, BE IT RESOLVED**, based on the above findings, the  
24 Planning Commission hereby adopts the Fair Way Extension Path Project Mitigated  
25 Negative Declaration, subject to the mitigation measures and monitoring program  
26 attached hereto as Exhibit A.

**APPROVED AND ADOPTED** by the Planning Commission of the City of  
Calistoga at a regular meeting held November 26, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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JEFF MANFREDI, Chairman

ATTEST:

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LYNN GOLDBERG  
Planning Commission Secretary

**Exhibit A**

**MITIGATION MONITORING PROGRAM**

Mitigation Measures	Monitoring Agency	Shown on Plans	Constructed/Installed	Remarks
<b>Air Quality</b>				
<p><b>Mitigation Measure AIR-1: Dust and Exhaust Control</b></p> <p>The following best management practices shall be implemented during project construction:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, and other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt tracked onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>5. All roadways, driveways, and sidewalks shall be paved as soon as possible.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage to this effect shall be provided to all project construction workers.</li> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a</li> </ol>	City of Calistoga			

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<p><i>certified mechanic and determined to be running in proper condition prior to operation.</i></p> <p>8. <i>Construction equipment shall not be staged adjacent to existing residences or other sensitive receptors.</i></p> <p>9. <i>A publicly-visible sign shall be posted containing the telephone number and name of the project construction manager as a contact regarding dust complaints. This person shall respond and take corrective action within 48 hours after receiving a complaint. The BAAQMD's phone number shall also be included.</i></p> <p>10. <i>Temporary electrical service shall be installed during construction whenever possible to avoid the need for independently-powered equipment.</i></p>				
<b>Biological Resources</b>				
<p><b>Mitigation Measure BIO-1: Loss of Wetland Habitat</b></p> <p><i>(a) A permit will be required from the USACE and RWQCB for filling of the drainage ditches. Compensation for the permanent loss of wetland habitat may be compensated by either purchasing credits at an approved mitigation bank or by creating new wetlands on-site or off-site. At this time, no mitigation banks are available for this area. If compensation is done by creating wetlands on-site or off-site, a wetland mitigation and monitoring plan will need to be developed in accordance with the USACE and RWQCB guidelines that identifies how impacts will be mitigated for the loss of wetlands. The federal and state governments have a no net loss of wetland policy so any impacts must be mitigated by creating new wetlands of the</i></p>	City of Calistoga			

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<p>same type. The agencies are likely to require a 2:1 compensation to loss of wetlands. This would mean that 0.36 acres of newly created wetlands would need to be established to compensate for the loss of 0.18 acres.</p> <p>(b) A streambed alteration agreement from CDFW may also be required. Consultation with CDFW is recommended. CDFW may require mitigation for any alteration to the ditches if they determine that the ditches are also waters of the state and under their jurisdiction. The compensation must be in-kind, meaning that the mitigation must be the same type of wetland and channel that is being impacted. CDFW and the RWQCB may also require compensation for the loss of linear length of channel. This will be determined through the permit application process.</p> <p>(c) If on-site or off-site mitigation is proposed, a wetland mitigation and monitoring plan will also be required as part of the permit application that identifies how impacts will be mitigated for the loss of water and wetlands. For this project, if any work occurs within the ordinary high water mark for the drainage, impacts to the freshwater marsh wetland would need to be mitigated.</p>				
<p><b>Mitigation Measure BIO-2: Passerines and Raptors</b></p> <p>The following mitigation measures should be followed in order to avoid or minimize impacts to passerines and raptors that may potentially nest in the trees:</p> <p>1) Grading or removal of nesting trees should be conducted outside the nesting season, which occurs between</p>	City of Calistoga			

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<p>approximately February 15 and August 15.</p> <p>2) If grading between August 15 and February 15 is infeasible and groundbreaking must occur within the nesting season, a pre-construction nesting bird (both passerine and raptor) survey of the grasslands and adjacent trees shall be performed by a qualified biologist within 7 days of ground breaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent "take" of individual birds that could begin nesting after the survey.</p> <p>3) If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.</p> <p>4) The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW.</p> <p>5) To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery, materials, or workers shall intrude.</p>				
<p><b>Mitigation Measure BIO-3: Bat Habitat Assessment</b>  <i>A bat habitat assessment must be conducted prior to removing trees. The assessment will identify which trees have potential bat habitat and which do not.</i>  <i>For those trees with potential bat habitat, tree removal must</i></p>	<p>City of Calistoga</p>			

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<p>only occur during seasonal periods of bat activity, between March 1 and April 15, or when evening temperatures are above 45F and rainfall less than 1/2" in 24 hours occurs, prior to parturition of pups. The next acceptable period for tree removal with suitable roosting habitat is after pups become self-sufficiently volant – September 1 through about October 15, or prior to evening temperatures dropping below 45F and onset of rainfall greater than 1/2" in 24 hours.</p> <p>1) Trees containing suitable potential bat roost habitat (cavities, crevices, exfoliating bark) shall not be removed until after February 28th (or after evening temperatures are above 45F and/or more than 1/2" of rainfall within 24 hours occurs), and before April 15th. If tree removal is delayed, trees shall be removed after August 31st and before October 15th. These seasonal restrictions ensure all bats are active (no winter torpid bats, no non-volant young).</p> <p>2) Tree removal shall be conducted using a two-step process conducted over two consecutive days (e.g., Tuesday and Wednesday, or Thursday and Friday). With this method, small branches and small limbs not containing cavity, crevice or exfoliating bark habitat on habitat trees as identified by a qualified bat biologist (who must be present on the site during the first day of tree trimming or cutting) are removed first on Day 1, using chainsaws only (no dozers, backhoes, etc.). The following day (Day 2), the remainder of the tree is removed. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing bats to abandon the roost tree after nightly emergence for</p>				

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<p><i>foraging. Removing the tree the next day prevents re-habituation and re-occupation of the altered tree.</i></p> <p><i>Trees containing suitable potential habitat must be trimmed on Day 1 under initial field supervision by a qualified bat expert to ensure that the tree cutters fully understand the process, and avoid incorrectly cutting potential habitat features or trees. After tree cutters have received sufficient instruction, the qualified bat biologist does not need to remain on the site. If different tree cutters will be conducting work on subsequent days, it may be necessary for the qualified bat biologist to return for additional instruction and supervision.</i></p> <p><i>3) Non-habitat trees and all other vegetation proposed for removal further than 25 feet from identified habitat trees may be removed immediately, using any suitable means that does not cause damage to the habitat tree.</i></p>				
<p><b>Mitigation Measure BIO-4: Replacement Trees</b></p> <p><i>Trees to be removed would be replaced in accordance with the Guidelines of the Calistoga Public Works Department.</i></p>	City of Calistoga			
<b>Cultural Resources</b>				
<p><b>Standard Measure CR-1: Accidental Discovery of Archeological Resources</b></p> <p><i>In keeping with the CEQA guidelines, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archeological site the finds (§ 15064.5[7]). Prehistoric archeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and</i></p>	City of Calistoga			



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<p><i>handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cuts; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire-affected stones. Historic period site indicators generally include fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).</i></p>				
<p><b>Standard Measure CR-2: Onsite Native American Monitor</b>  <i>An onsite Native American monitor shall observe excavation, grading and trenching for the project to ensure evaluation of potential artifacts.</i></p>	<p>City of Calistoga</p>			
<p><b>Standard Measure CR-3: Accidental Discovery of Paleontological Resources</b>  <i>If paleontological resources are uncovered (any resources pertaining to a fossil record), work at the place of discovery should be halted immediately until a qualified archeological evaluate the finds.</i></p>	<p>City of Calistoga</p>			
<p><b>Standard Measure CR-4: Accidental Discovery of Human Remains</b>  <i>If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the county coroner contacted. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission. The Native American Heritage Commission will identify the person or persons</i></p>	<p>City of Calistoga</p>			

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<p><i>believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.</i></p>				
<p><b>Hazards and Hazardous Materials</b></p>				
<p><b><i>Mitigation Measure HAZ-1: Coordination with Sensitive Land Use</i></b>   <i>The project contractor shall coordinate with the Calistoga State Preschool to schedule construction in the vicinity of the center when children are not present, insofar as possible.</i></p>	<p>City of Calistoga</p>			
<p><b>Hydrology and Water Quality</b></p>				
<p><b><i>Mitigation Measure HYD-1: Stormwater Drainage Plan</i></b>   <i>Prior to issuance of a grading permit, the permit holder shall submit a stormwater drainage plan for approval by the Public Works Department in conformity with the National Pollution Discharge Elimination System and including Best Management Practices (BMPs) as described in the California Stormwater BMP Handbook or equivalent.</i></p>	<p>City of Calistoga</p>			

<p><b>Noise</b></p>	<p><b>Mitigation Measure NOISE-1: Construction Noise</b></p> <p><i>The project contractor shall develop a construction noise mitigation plan subject to the City's review and approval. The following conditions shall be incorporated into the mitigation plan to reduce construction noise impacts:</i></p> <ol style="list-style-type: none"> <li><i>1. Muffle and maintain all equipment used on site. All internal combustion engine-driven equipment shall be fitted with mufflers, which are in good condition. Good mufflers shall result in non-impact tools generating a maximum noise level of 80 dB when measured at a distance of 50 feet.</i></li> <li><i>2. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.</i></li> <li><i>3. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.</i></li> <li><i>4. Prohibit unnecessary idling of internal combustion engines.</i></li> <li><i>5. Prohibit audible construction workers' radios on adjoining properties.</i></li> <li><i>6. Pursuant to the Municipal Code, restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and not at all on Sundays and holidays.</i></li> <li><i>7. Allowable construction hours shall be posted clearly on a sign at the construction site.</i></li> <li><i>8. Designate a "noise disturbance coordinator" who is</i></li> </ol>			<p>City of                  Calistoga</p>	
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<p><i>responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site.</i></p>				
<b>Transportation/Traffic</b>				
<p><b>Mitigation Measure TRAF-1: Crosswalk at Lincoln Avenue and Fair Way</b></p> <p>(a) <i>A crosswalk shall be installed at the south (northbound) approach of Lincoln Avenue at the intersection of Lincoln Avenue and Fair Way.</i></p> <p>(b) <i>If the intersection retains stop control at the Fair Way approaches, the crosswalk shall be supplemented with crosswalk signs, advance crosswalk signing, and high visibility markings to facilitate bicycle and pedestrian movement across Lincoln Avenue.</i></p> <p>(c) <i>If the intersection is improved with a traffic signal, the crosswalk shall be supplemented with pedestrian countdown signals and pedestrian pushbuttons.</i></p>	<p>City of Calistoga</p>			
<b>UTILITIES</b>				
<p><b>Mitigation Measure UTIL-1: Storm Water Runoff</b></p> <p><i>As necessary, provide hydro-seeded swales along both sides of the path to allow for the filtering of storm water runoff and its infiltration onsite to the extent feasible, prior to some of it entering the culvert beneath the path.</i></p>	<p>City of Calistoga</p>			

